


prescribed for him some medication. Despite missing this medication for a week, the Plaintiff admits that "I started receiving both on 10/20/13 and have continued to do so since." As a consequence, the defendants have not been deliberately indifferent to the Plaintiff's serious medical needs. This dispute, therefore, arises over the adequacy of the care provided the Plaintiff.

When a prisoner has received some medical attention and his claim is a challenge to the adequacy of the care provided, federal courts are generally reluctant to second guess medical judgments and constitutionalize claims which sound in state tort law. Hill v. Jones, 211 F.3d 1269 (6th Cir.2000). Medical malpractice does not become a constitutional tort merely because the victim is a prisoner. Estelle, 429 U.S. at 105-106. Thus, the Court concludes that Plaintiff has failed to describe conduct that violates federal law. Comstock v. McCrary, 273 F.3d 693, 703 (6th Cir.2001).

Absent a violation of federal law, this action must be dismissed for Plaintiff's failure to state a claim upon which federal relief can be granted.

An appropriate Order is filed herewith.

ENTERED this the 3rd day of October, 2014.


WILLIAM J. HAYNES, JR.
United States District Judge